

Delegate Hardwicke. Could you state it again, Delegate Hardwicke?

DELEGATE HARDWICKE: The purpose here is to provide a ceiling on these salaries, so that you cannot have in the interim period a salary increase which would create an undue obligation on the part of the State.

THE CHAIRMAN: In other words, a salary increase before the new constitution takes effect.

DELEGATE HARDWICKE: That is right. If you have a salary increase in June or, say during the coming session of the legislature, and the new constitution would not yet be in effect, this would cut the salaries down no matter what they were raised to, once the constitution does go into effect.

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: Where does it say so in section 21?

DELEGATE HARDWICKE: It says this is what the salaries will be, regardless of what was done on another basis.

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: If the legislature did not act on the Legislative Council's proposal to raise judicial salaries in the coming session, then this section 21 would have the effect of raising judicial salaries; is that correct?

DELEGATE HARDWICKE: That is correct.

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: If we did not raise these salaries, the legislature could very well raise them in this coming session anyhow, could they not? So it is not really necessary for the Constitutional Convention to do it in a package.

DELEGATE HARDWICKE: Not necessary for the reasons you named, but necessary for the reasons I named. This has the effect of establishing a ceiling which cannot be violated by virtue of local acts.

THE CHAIRMAN: Delegate Fornos, maybe this comment would help clarify it: you have two provisions under the constitution which must be considered together. One is that the salary shall be paid entirely by the State, without supplementation locally. The other, and equally important in this aspect, is that they shall be uniform. The salaries are not now uniform, so that you have a problem of ac-

complishing at the same time payment of all salaries at the statewide level, and at a uniform rate. This is what creates a problem as to which provision these sections are directed to.

Delegate Fornos.

DELEGATE FORNOS: I am aware of both of the sections. It is a mandate to the assembly for uniform legislation. I think it is a legislative matter. I do not think we ought to get bogged down. Is there any other reason that has escaped me?

THE CHAIRMAN: I think you are still missing the relevancy of the point.

Delegate Hardwicke has pointed out to you that when the new constitution takes effect, and says that all salaries shall be uniform for the same level of the judiciary, and when it provides that they shall be paid entirely by the State, and when you also consider the fact that a judicial salary cannot be reduced, those three provisions taken together would automatically raise the lowest judicial salary in any tier automatically to the highest salary. Do you follow? If a judge in Prince George's County has a salary of \$30,000, and a judge in Caroline County has a salary of \$20,000, when the constitution takes effect, and the constitution provides that thereafter all salaries of judges of the superior court shall be the same, shall all be paid by the State, and no salaries shall be reduced, you can accomplish that objective only by increasing the Caroline County salary to the Prince George's County salary, as otherwise to get uniformity you would have to reduce the Prince George's County salary. Since you cannot do that, you automatically increase all salaries to the highest salary in effect.

If there were no provision in the legislation, local supplementation on a temporary basis could increase salaries so that when the new constitutional provisions took effect, it would automatically increase all judicial salaries to the highest level of any of them, as supplemented at the time the constitution took effect.

Delegate Fornos.

DELEGATE FORNOS: If that is true, is there any judge presently being paid more than a Court of Appeals judge?

THE CHAIRMAN: Oh, yes.

DELEGATE FORNOS: What judge in the State of Maryland is getting more than a Court of Appeals judge?